

REMARKS

1. Claim Objections. Applicant has corrected spelling of the word "least" in Claim 2, per the Examiner's comment on page two of the above identified Office Action.

2. Claim Rejections – 35 USC 112. Applicant has amended Claim 1 to recite "a collection of questions," thus obviating the need to amend Claims 2 and 4, and overcoming the Examiner's rejection under 35 USC 112.

3. Claim Rejections - 35 USC 103. A key distinguishing feature of the claimed invention is the reordering of the sequence in which questions are presented based upon a user's previous answers. Thus, depending upon how a person answers questions, the next question presented varies. Accordingly, for each individual, a different order of questions is presented. Support for this aspect of the invention is set forth beginning at paragraph [0091] on page 13 of the Specification, and continues through paragraph [0102], page 19 of the Specification.

To emphasize this aspect of the invention better, Applicant has amended independent Claims 1, 30, and 92. To emphasize, for example in Claim 1, that the invention performs the step of "presenting a particular subsequent question from said collection of questions to said user, the selection of said subsequent question, and therefore the specific order in which said question in said collection of questions are presented to said user, being determined in response to an answer received to a previously presented question in said collection of questions and a particular affinity group or combination of affinity groups to which said user profile is associated by said method. . . ." Claim 30 is of similar scope, but is limited to a particular affinity group or a combination of affinity groups to which said user profile is associated; and Claim 92 is limited to matching of an affinity group in an answer to a previously presented question.

Applicant has canceled Claims 63 through 91.

The foregoing amendments to the claims, as well as the cancellation of various claims, is made solely for purpose of expedience and to further prosecution of the application and it is not made as an acknowledgement, tacit or otherwise, that there is any merit in the Examiner's rejection of the subject matter contained therein. Accordingly, Applicant explicitly reserves the right to pursue claim coverage of similar scope as that of the claims as previously submitted in a further proceeding before the Patent Office.

In connection with the prior art, Applicant notes that the Examiner has given a broad read to Examiner's "plurality of profiles." In response thereto, Applicant has amended the claims to indicate that each affinity group comprises a plurality of "user" profiles.

Further, the Examiner continues to equate Williams requirement for a zip code as comprising a segment of a sequence of questions. Applicant's claim now make it clear that the sequence of questions varies based on the response provided, and by a user's membership in an affinity group. As noted earlier, Williams does not teach in an affinity group. Williams merely performs a geographical sort based upon zip code.

Applicant has explained in previous submissions and during Interviews that significant elements of the claimed invention are not found in the art of record. The use of a zip code and caller ID or a phone number in Williams is not the same thing as a user profile. Williams does not perform a check against other profiles. Thus, there is no notion of affinity groups within Williams that comprise a plurality of user profiles. A zip code is not a profile. Likewise, the classification of individuals by zip code does not sort the individuals into respective affinity groups.

Because the art of record does not teach these profiles and affinity groups, the Examiner has failed to establish the presence of each and every element of the claimed invention in the proposed combination. The Examiner's characterization of zip code information and the like in the art is not what is taught by Applicant, either in Applicant's specification, or as explicitly stated in Applicant's claims. Further, the art of record does not teach that an affinity group is created when an appropriate affinity group does not exist. The Examiner has not addressed this point in the Examiner's analysis. Thus, at least in this regard, the art of record fails to teach the claimed invention.

As noted above, the order in which questions are presented in the claimed invention varies based on the responses to questions given by individuals inputting information. No such notion is known in the art of record. Nonetheless, Applicant has amended the independent claims to recite that "the specific order in which said questions in said collection of questions are presented to said user, ... [is] determined in response to an answer received to a previously presented question ..." [Claim 1]. Applicant considers this statement that order of presentation of questions is determined by a previous answer to address the Examiner's concerns with Applicant's previous limitation, *i.e.* "regardless of the sequence."

Responsive to the Examiner's comment with regard to element three of the independent claims, Applicant points out that no mechanism is provided in the art that teaches the creation of an affinity group when an appropriate affinity group does not exist. No mechanism is provided for creating a profile for a user if a user profile does not exist and adding of questions and corresponding answers to the users profile. No notion of affinity groups is found in the prior art, contrary to the Examiner's assertions otherwise. Also, as noted above, no notion of determining the order of presentation of questions based upon a previous answer to a question is found in the prior art.

FURTHER OBSERVATIONS

Claims 1, 30, and 92. As noted above, the Examiner errs in the interpretation of Williams as surveying a user with an automatically tailored sequence of questions.

5 Nothing in Williams even remotely suggests that kind of an approach. As can be clearly seen from Fig. 3 referenced by the Examiner, questions are not automatically tailored but, rather, are predefined and are deterministic once a specific programming of the sequence takes place. No new possibilities exist in Williams. That is, the questions are hard coded as part of the sequence flow. The
10 Examiner asserts that the order of the questions does not matter. However, the Examiner does not provide any evidence to this assertion. For example, according to Fig. 3, if the selected locations have no openings 116 the interview cycles to steps 105, 106 or 107, and as noted in Fig. 2, no further questions are asked to see if that person may fit many other criteria. It is foreseeable that another
15 question would detect that the person has the best qualifications for the job other than is having the "right" zip code. In accordance with Williams, the candidate is not further considered for the interview session. The same would happen if the candidate's caller ID does not fit the criteria. Hence, it is clear to an artisan that the questions asked by Williams in 114 and 118 of Fig. 3 are elimination questions
20 after which no further questions are presented. It is further clear that if a question is asked after question 116, it is always question 118, no other option is possible under Williams. In other words, the subsequent question according to Williams is always predictable based on the coding of the sequence of questions. In contrast to this, in the claimed invention subsequent question is determined based on the
25 specific response of the user and the affiliation of the user to the affinity groups.

Furthermore, Williams does not suggest the selection of a question from a collection of possible questions. These differences definitively show that the

Examiner is in error in her rejections, which should be withdrawn. It is also noteworthy that in no case it is possible according to Williams that following question 116 there is a question that is different from 118. Hence, this establishes yet another difference between the two systems.

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The Examiner further errs in asserting that Williams, in Figs. 2-4 and other references provided, shows the repetition claimed by Applicant. In fact, no repetition of steps is shown by Williams. The sequence is predetermined and never repeated. To establish a repetition, the Examiner must show that an entire
10 sequence is repeated at least once more in the Williams case. However, that cannot be shown. The flow starts with step 100 (Fig. 2) and moves through step 410 (Fig. 7). No loop is shown or suggested in the entire flow, as is evident to those skilled in the art.

15 The Examiner is also in error in determining the Williams teaches affinity groups. Nothing in Williams suggests the existence of such structure. The fact that a profile is determined to have a specific zip code does not mean that the system bundles all of the profiles having the same zip code in a structure that is an affinity group. Williams clearly does not suggest such bundling of profiles in affinity
20 groups. To date, the Examiner has been unable to show a specific determination by Williams that defines an affinity group that because none exists in Williams. Williams always works on a specific candidate and attempts to determine the fitness of the candidate to an "ideal candidate" defined by the client. No comparison whatsoever is suggested between profiles as claimed by Applicant.
25 According to Williams, every candidate has a score that is determined based on the interview question. The top scores are selected. Williams also specifically notes that the profiling that takes place is regarding the position not the persons interviewed (see for example column 3, lines 30-38).

Applicant respectfully requests that the Examiner reconsider the claims as now presented in view of the art of record, as well as, Applicant's comments herein, and Applicant's previous comments in earlier submissions, and withdraw the rejections under 35 USC 103.

Should the Examiner deem it helpful, she is encouraged to contact Applicant's Attorney, Michael A. Glenn, at (650) 474-8400.

Respectfully Submitted,



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